

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) CRIMINAL NO. 05-10211-MLW
)
GILBERTO LOPES NAGIME,)
 Defendant.)

UNITED STATES' MOTION FOR FINAL ORDER OF FORFEITURE

The United States, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court issue a Final Order of Forfeiture in the above-captioned case pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. §§ 982 and 1028. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On August 22, 2005, a three-count information was filed charging Gilberto Lopes Nagime (the "Defendant"), with Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2) (Count One); Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2) (Count Two) and Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2)(Count Three).

2. The Information also included a forfeiture allegation, pursuant to 18 U.S.C. § 1028(h) and 18 U.S.C. § 982(a)(2)(B), seeking the forfeiture, as a result of committing the offenses alleged in Count One through Three of the Information of all

illicit authentication features, identification documents, document-making implements, means of identification, and any property constituting or derived from, proceeds obtained directly or indirectly from sales of identification documents, including, but not limited to, (1) a computer, (2) false documents, and (3) \$11,000 in U.S. Currency seized from the Defendant's bedroom at 210 Commercial Street, Weymouth, MA (the "Property").

3. On October 28, 2005, pursuant to a written plea agreement, the Defendant pled guilty to Counts One through Three of the Information and agreed that the Defendant would specifically forfeit the Property.

4. On January 24, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Property.

5. Notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on May 1, 2006, May 8, 2006, and May 16, 2006.

6. No claims of interest in the Property have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on June 15, 2006.

WHEREFORE, the United States respectfully moves that this Court enter a Final Order of Forfeiture against the Property in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Kristina E. Barclay
NADINE PELLEGRINI
KRISTINA E. BARCLAY
Assistant U.S. Attorneys
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Date: August 16, 2007

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed through the Electronic Court Filing system, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay
Kristina E. Barclay
Assistant U.S. Attorney

Date: August 16, 2007

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DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
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 v.) CRIMINAL NO. 05-10211-MLW
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 GILBERTO LOPES NAGIME,)
 Defendant.)

FINAL ORDER OF FORFEITURE

WHEREAS, on August 22, 2005, a three-count information was filed charging Gilberto Lopes Nagime (the "Defendant"), with Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2) (Count One); Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2) (Count Two) and Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2)(Count Three);

WHEREAS, the Information also included a forfeiture allegation, pursuant to 18 U.S.C. § 1028(h) and 18 U.S.C. § 982(a)(2)(B), seeking the forfeiture, as a result of committing the offenses alleged in Count One through Three of the Information of all illicit authentication features, identification documents, document-making implements, means of identification, and any property constituting or derived from, proceeds obtained directly or indirectly from sales of identification documents, including, but not limited to, (1) a computer, (2) false documents, and (3) \$11,000 in U.S. Currency seized from the Defendant's bedroom at 210 Commercial Street,

Weymouth, MA (the "Property");

WHEREAS, on October 28, 2005, pursuant to a written plea agreement, the Defendant pled guilty to Counts One through Three of the Information and agreed that the Defendant would specifically forfeit the Property;

WHEREAS, on January 24, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Property;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on May 1, 2006, May 8, 2006, and May 15, 2006; and

WHEREAS, no claims of interest in the Property have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on June 16, 2006.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Property, and it is hereby forfeited to the United States of America pursuant to the provisions of 18 U.S.C. § 1028(h) and 18 U.S.C. § 982(a)(2)(B).

3. All other parties, having any right, title, or interest in the Property, are hereby held in default.

MARK L. WOLF
Chief United States District Judge

Date: